

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-03-2018

CORAM :

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.24831 of 2013

Dr.C.Ezhir Selvan

.. Petitioner

Versus

1. The Director

Directorate of Medical Education
Tamil Nadu Medical Service
Government of Tamil Nadu
Kilpauk, Chennai - 600 010

2. The Dean

Madras Medical College
Chennai.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to refund the bond amount of Rs.5,00,000/- paid by the petitioner, in favour of the respondents.

For Petitioner : Mr. J. Ferozkhan

For Respondents : Mr. C.Munusamy, SGP
(Education)

ORDER

The petitioner in this writ petition seeks for a direction to the respondents to refund the bond amount of Rs.5,00,000/- paid by him at the time of his admission in the P.G. course.

2.It is the case of the petitioner that after completion of his M.B.B.S., degree, he has been selected for higher education through All India quota and at the time of admission, he was required to execute a bond for a sum of Rs.5,00,000/-. Accordingly, the petitioner has executed such a bond as a condition precedent for his admission into the P.G course. According to the petitioner, now he has completed the degree course and sought for refund of the bond amount. The petitioner has also sent a representation dated 15.05.2013 to the respondents, but there was no response, hence, he has filed the present writ petition.

3.The learned counsel for the petitioner would contend that in identical circumstances, in a batch of writ petitions, in the

case of Dr. S. Rajesh vs. State of Tamil Nadu and another (2009 1 MLJ 1103), this Court was pleased to hold that the bond executed by the students, who were all selected under the All India quota for higher education, is null and void and the same is not enforceable. It is further submitted that one Dr. S. Vaishnavi has filed W.P. No. 23243 of 2012 before this Court praying to direct the respondents therein to return the certificates and this Court also, by an order dated 21.09.2012, issued such direction to the respondents to return the certificates to the petitioner within a period of two weeks. It was contended before this Court that even though the certificates were returned, the respondents did not refund the bond amount. Consequently, a contempt petition No. 372 of 2013 was filed before this Court. This Court, while hearing the contempt petition, recorded the submission of the learned Additional Advocate General that the bond amount will be refunded to the petitioner shortly. Accordingly, on such statement, the contempt petition was closed on 26.04.2013. In this case, the petitioner also submitted a representation dated 15.05.2013 to the respondents, seeking to refund the bond amount, but till date, no order has been passed.

4.The learned Special Government Pleader appearing for the respondents would only contend that in the cases relied on by the counsel for the petitioner, this Court only directed to return the certificates produced by the students. In any event, the petitioner has submitted representation on 15.05.2013 and the same will be considered by the respondents on their own merits.

5.I heard the counsel for both sides. In the earlier batch of cases, this Court held that the respondents have no authority to seek for execution of bond from the students who were selected under the All India Quota. It was also held that such a condition for execution of bond is not indicated in the prospectus issued by the respondents for admission to higher education. This Court also held that even if bond was executed, it will have no force of law besides being invalid. Therefore, this Court directed the respondents to return the certificates without insisting for a bond. In those circumstances, the relief of Mandamus sought for by the petitioner herein has to be considered. As mentioned above, the petitioner has submitted representation dated 15.05.2013 in which he has prayed for refund of the bond amount, which is the relief sought for in this writ petition. Therefore, the respondents are directed to consider the representation dated 15.05.2013 of the petitioner seeking for refund of the bond amount, if not considered earlier and pass appropriate orders thereon in terms of the earlier orders passed by this Court within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

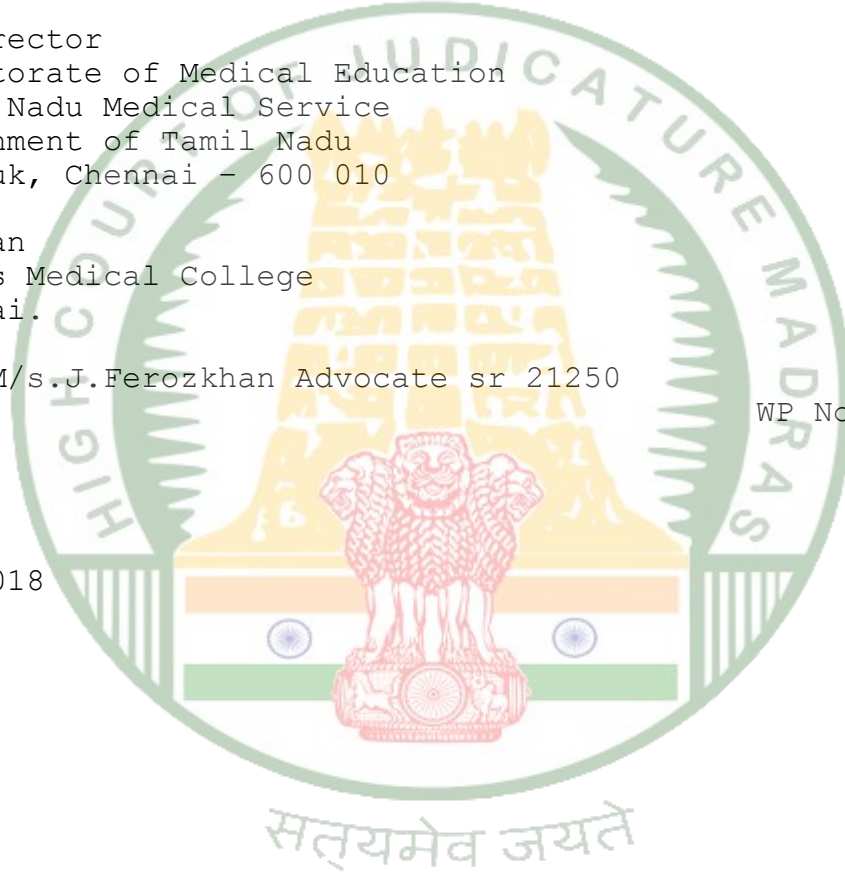
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+1 cc to M/s.J.Ferozkhan Advocate sr 21250

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